

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

DOUGLAS I. HORNSBY,
ADMINISTRATOR OF THE ESTATE OF
CYNTHIA GARY,

Plaintiff,

v.

Case No. 2:22-cv-00427-RBS-LRL

UNITED STATES OF AMERICA, *et al.*,

Defendants.

**DEFENDANT CECO ENVIRONMENTAL CORPORATION'S
CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT**

Defendant CECO Environmental Corporation (“CECO”), by counsel, pursuant to Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure and Rule 7(F)(2)(b) of the Rules of the United States District Court for the Eastern District of Virginia, and with the consent of counsel for Plaintiff, hereby moves this Court to extend CECO’s time to answer or otherwise respond to the Amended Complaint. In support hereof, CECO states as follows:

1. This Court granted Plaintiff’s Motion to Amend on March 10, 2023, allowing Plaintiff to join claims against CECO and other defendants as set forth in the Amended Complaint. *See* ECF Nos. 20, 21.
2. CECO was served through substitute service on the Virginia Secretary of the Commonwealth on March 30, 2023, who sent these papers via certified mail on April 6, 2023. The return of service was filed with this Court on April 12, 2023. *See* ECF No. 47.
3. CECO’s time to file responsive pleadings expires on May 3, 2023. *See* Va. Code § 8.01-329(C)(3) (“The time for the person to be served to respond to process sent by the

Secretary shall run from the date when the certificate of compliance is filed in the office of the clerk of the court in which the action is pending.”); *see also* Fed. R. Civ. P. 12(A); *and Dickson v. Forney Enters., Inc.*, No. 1:20-cv-00129 (CMH/JFA), 2021 WL 3563098, at *1 (E.D. Va. July 9, 2021) (calculating deadline to respond from date of filing of affidavit); *report and recommendation adopted*, 2021 WL 3561222 (E.D. Va. Aug. 10, 2021).

4. Counsel for CECO has only recently been retained by its insurer and requires additional time to investigate the circumstances of this case.

5. Counsel for Plaintiff graciously agreed to CECO’s request for an extension of time to respond to the Amended Complaint.

6. Counsel for Plaintiff and CECO have agreed to a new deadline of Friday, May 26, 2023, for CECO to file its responsive pleadings.

7. No unfair prejudice will befall any party with the granting of this modest extension of time to respond, as Plaintiff has consented to the relief sought.

8. To CECO’s knowledge, the granting of this modest extension will not interfere with the orderly administration of this action, as there does not appear to be any scheduling order entered or Court-ordered conference or hearing presently scheduled in this action.

9. Having not previously requested an extension of time to respond to the Amended Complaint, CECO does not interpose this motion for any improper purpose; CECO requires more time to investigate and understand the nature of its involvement in the matters described in the Amended Complaint.

WHEREFORE, for the foregoing reasons, Defendant CECO Environmental Corporation respectfully requests the Court grant its Consent Motion for Extension of Time to Answer or

Otherwise Respond to Plaintiff's Amended Complaint and order that its deadline to file an answer or otherwise respond to the Amended Complaint be extended to May 26, 2023.

**CECO ENVIRONMENTAL
CORPORATION**

By Counsel

/s/W. Benjamin Woody

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CERTIFICATE

I hereby certify that on the 2nd day of May, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record who have consented to electronic service.

/s/W. Benjamin Woody

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